

excluding parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).

(e) Section 56.54 does not prohibit:

- (1) any person from consuming alcoholic beverages within the defined boundaries of a sidewalk cafe located on the public right-of-way, or on property leased from the City.
- (2) any business from lawfully selling or dispensing alcoholic beverages in accordance with the requirements of local and state law.

*(Amended 9-8-1998 by O-18582 N.S.)*

### **§56.55 Urinating/Defecating in Public Prohibited**

No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, beach, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste.

*(Incorp. 1-22-1952 by O-5046 N.S.)*

### **§56.56 Open Alcoholic Beverage Containers Prohibited on Posted Premises**

- (a) Any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, and who enters, is on, or remains on the posted premises of, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises is guilty of an infraction.
- (b) All retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 of the Business and Professions Code to operate in the City of San Diego shall post such licensed premises with notices clearly visible to patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of subdivision (a) are applicable. Such notices shall include language that states that possession of any opened alcoholic beverage container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.

- (c) As used in this section “posted premises” means those premises which are subject to licensure under any retail off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subdivision (b).
- (d) As used in this section “parking lot immediately adjacent to the licensed premises” means any parking lot except those described in subdivision (e) which is contiguous to the licensed premises and any parking lot under the control of or operated in conjunction with the licensed premises.
- (e) The provisions of this section do not apply to any private residential parking lot immediately adjacent to the posted premises.
- (f) The subsections of this section are severable. The invalidity of a subsection shall not affect the validity of the remaining subsections.  
(*“Open Alcoholic Beverage Containers Prohibited on Posted Premises” added 9-26-1983 by O-16046 N.S.*)

**§56.60****Definitions**

Defined words appear in italics in Sections 56.60, 56.61, 56.62 and 56.63. The words and phrases used in Sections 56.60, 56.61, 56.62, 56.63, and 56.64 have the meanings set forth in this Section.

*“Alcohol”* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*“Alcoholic beverage”* has the same meaning as used in Section 56.54.

*“Enforcement Services”* includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.

*“Guardian”* has the same meaning as used in Section 58.01.01.

*“Minor”* means any person under twenty-one years of age.

“*Parent*” has the same meaning as used in Section 58.01.01.

“*Party, gathering, or event*” means a group of persons who have assembled or are assembling for a social occasion or social activity.

(“*Definitions*” added 5-6-2003 by O-19172 N.S.)

**§56.61 Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public**

Except as permitted by state law, it is unlawful for any *minor* to:

- (a) consume at any *public place* or any place open to the public any *alcoholic beverage*; or
- (b) consume at any place not open to the public any *alcoholic beverage*, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her *parent* or *legal guardian*.

(“*Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public*” added 5-6-2003 by O-19172 N.S.)

**§56.62 Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited**

- (a) Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any person to allow or host a *party, gathering, or event* at his or her place of residence or other private property, place, or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.
- (b) This section does not apply to conduct involving the use of *alcoholic beverages* which occurs exclusively between a minor child and his or her *parent* or *legal guardian*.
- (c) This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

(“*Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited*” added 5-6-2003 by O-19172 N.S.)

**§56.63 Reservation of Legal Options**

The City of San Diego does not waive its right to seek reimbursement for actual costs of *enforcement services* associated with the enforcement of Sections 56.61 and 56.62

through other legal remedies or procedures. The procedure provided for in sections 56.61 and 56.62 is in addition to any other statute, ordinance, or law. Sections 56.61 and 56.62 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by sections 56.61 and 56.62, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of sections 56.61 and 56.62 .

*("Reservation of Legal Options" added 5-6-2003 by O-19172 N.S.)*